THE HON'BLE SRI JUSTICE G.RAGHURAM

W.P.No.15887 of 2006

Dated:26.09.2006

Between

1.P.Hanumantha Rao and another

.....Petitioner

and

1.The State of A.P., rep., by its Secretary, Revenue, Secretariat Buildings, Hyderabad and another.

...Respondents

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W.P.No.15887 of 2006

ORDER:

The petitioners have claimed that they have lands specified in paragraph 2 of the writ petition which are proposed for acquisition by issuance of a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') in O.R.R.No.3 dated 6th April, 2006 published in the A.P Gazettee of even date. The petitioners assail this notification in respect of the draft declaration under Section 6 (1) of the Act on the ground that there is a Government poramboke land in the vicinity of the petitioners' land which could be gainfully employed for the same purpose for which the acquisition is proposed. The petitioners submitted a representation dated 13.7.2006 to the 2nd respondent seeking allotment of alternative land to them in lieu of acquisition of their lands.

At the stage of hearing of the writ petition, the learned counsel for the petitioners submitted that the petitioners are satisfied if the respondents are directed to consider their representation dated 13.7.2006 exercising the executive discretion under Section 31 (3) of the Act.

In view of the submission and after hearing the learned Government Pleader for Acquisition and Mr. P.Rajagopala Rao, the writ petition is disposed of directing the respondents to consider the petitioners' representation dated 13.07.2006 for grant of alternative land in lieu of the acquired land and dispose of the same in accordance with the powers available under section 31 (3) of the Act after evolving a transparent and fair package of guidelines/policy which would be equitably applied to all persons similarly situated in the context of Article 14 of the Constitution of India. There shall be no order as to costs.

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26-09-2006

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